

IV. Legislation Provided for Discussion

Utility Undergrounding

SB 1759 (Surovell) (Passed Senate; HLC) establishes a pilot program under which the governing body of any locality operating under the urban county executive form of government (Fairfax County) may request an electric utility to place underground electric utility distribution lines in areas of transit-oriented development in such locality in conjunction with a transportation infrastructure improvement project that the Commonwealth Transportation Board identifies that reduces congestion, improves mobility, incorporates transit systems and improves safety. The measure provides that the locality and the utility shall enter into an agreement that provides that (i) the locality shall pay to the utility its full additional costs of relocating and converting that portion of the line located in the locality underground rather than overhead that are not recoverable under applicable rates, net of relocation credits, which costs shall include associated feasibility costs, or any smaller portion of such costs as the utility and the locality may agree; (ii) the locality shall impose an assessment on electric utility customers in the locality in an amount sufficient to cover the utility's additional costs, which assessment shall be shown as a separate item on such customers' electric bills and shall be collected by the utility on behalf of the locality; (iii) the utility shall convert, operate, and maintain the agreed portion of the line underground; and (iv) such other terms and conditions on which the parties may agree. The measure provides that upon presentation of the agreement to the Commonwealth Transportation Board, the Commissioner of Highways shall be responsible for securing the necessary easements and permits for the pilot program. The measure provides that the pilot program terminates on July 1, 2026. (19106453D-S2)

Animals

SB 1025 (Spruill) (Passed Senate; HRUL) provides that outdoor tethering of a companion animal does not meet the requirement that an animal be given adequate shelter, unless the animal is actively engaged in an agricultural or hunting activity, when tethering is conducted (i) during a heat advisory, or (ii) during a severe weather warning. The bill provides that a tether meets the requirement that an animal be given adequate space if the tether is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain, weigh more than one-tenth of the animal's body weight, or have weights or heavy objects attached to it. Current law provides that the tether be three times the length of the animal. The bill exempts agricultural animals from existing provisions related to tethering. The bill also authorizes any locality to adopt ordinances that parallel and make more stringent the state law regarding the care of companion animals. (19100082D-E)

Stormwater – CPACE Loans

SB 1400 (Petersen) (Passed Senate; HCCT) authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of stormwater management improvements with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. The bill removes an exclusion for residential dwellings with fewer than five dwelling units and

condominium projects from certain requirements related to a voluntary special assessment lien that secures such a loan. (19101646D)

SB 1559 (Lewis) (Passed Senate; HCCT) authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of shoreline resiliency improvements, including improvements for the mitigation of flooding or the impacts of flooding or stormwater management improvements with a preference for natural or nature-based features and living shorelines with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. Such ordinance shall include (i) a minimum and maximum aggregate dollar amount that may be financed with respect to a property and (ii) if a locality or other public body is originating the loan, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body. (19106110D-S1)

Elections

HB 2682 (Sickles) (Passed House; SPE) provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. The bill contains technical amendments. (19104578D)

HB 2204 (Filler-Corn) (Passed House; SPE) removes the requirement that the officer of election audibly repeat the address of a voter offering to vote. The bill does not change the requirement for the officer of election to audibly repeat the voter's full name. (19101879D-E)

HB 2764 (Wilt) (Passed House; SPE) requires person who assists an applicant with the completion of a paper voter registration application or collects a completed paper voter registration application directly from an applicant to provide his name and telephone number and indicate the group or organization with which he is affiliated, if any, on the registration application. The bill prohibits any registration application from being denied on the basis of such information not being provided. The measure exempts from such requirement any state or local government employee who assists with the completion of registration applications or who collects completed registration applications as part of his official duties. The identifying information of the person assisting with the completion of or collecting a completed paper application shall not be entered into the registration record of the applicant. (19101405D-E)

SB 1564 (Lewis) (Passed Senate; HPE) directs the State Board of Elections to revise its regulations for reviewing and processing candidate petitions. The regulations are required to include standards and methods for checking signatures on candidate petitions and comparing information contained in candidate petitions. The bill requires the State Board to promulgate these regulations on or before January 1, 2020. (19106098D-S1)

SB 1250 (Reeves) (Passed Senate; HPE) prohibits changes to the registration record of a registered voter who has been sent or provided an absentee ballot from being processed until after the election for which he was sent or provided an absentee ballot. The prohibition applies to registration transactions by electronic means. The bill requires the Department of Elections to provide instructions to the general registrars for enrolling the name and address of voters to whom an

absentee ballot is sent or provided into the Virginia voter registration system and for checking the registration record to determine whether a registered voter has been sent or provided an absentee ballot when receiving a request for a change to the registration record. (19103145D-E)

HB 1620 (Ransone) (Passed House; SPE) increases the membership of the State Board of Elections (Board) from three members to six members and increases the terms of Board members from four years to six years. Equal representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Appointments shall be made with due consideration of geographical representation, and no two Board members may reside in the same congressional district. Terms are initially staggered. The bill also grants to the Board the authority to appoint, subject to confirmation by the General Assembly, the Commissioner of Elections to head the Department of Elections and to act as the principal administrative officer. Additionally, the Board has the authority to remove the Commissioner. The appointment or removal of the Commissioner shall require an affirmative vote of five of the six Board members. The bill also directs the Department of Elections to employ a Director of Operations, who is to be responsible for managing the day-to-day operations at the Department. The bill requires the Board to submit an annual report to the Governor and the General Assembly. (19100589D)

SB 1455 (Vogel) (Passed Senate; HPE) increases the membership of the State Board of Elections from three members to five members and increases the terms of Board members from four years to five years. Representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the preceding gubernatorial election, with three Board members being of the party of the Governor. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly. The appointment or removal of the Commissioner shall require an affirmative vote of four of the five Board members. The bill has a delayed effective date of January 1, 2020. (19105523D-S1)